

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-07 IO-13
JUSE-00 NSAE-00 CTME-00 SNM-05 TRSE-00 USIA-06
NSC-05 OES-07 OMB-01 L-03 /062 W
-----129900 122147Z /61

R 121622Z JAN 78
FM AMEMBASSY QUITO
TO SECSTATE WASHDC 6878
INFO AMCONSUL GUAUAQUIL

C O N F I D E N T I A L QUITO 0186

DEPARTMENT FOR S/NM

E.O. 11652: GDS
TAGS: SNAR, EC
SUBJECT: EXCHANGE WITH SUPREME COURT PRESIDENT ON NARCOTICS

REF: (A) 77 QUITO 6569; (B) 77 STATE 247726

1. BASED ON RESPONSE TO REF A CONTAINED IN REF B, AMBASSADOR SENT A LETTER TO PRESIDENT OF THE SUPREME COURT CESAR AUGUSTO DURANGO ON NOVEMBER 9. THAT LETTER INCLUDED EXPRESSION OF CONCERN LEST SUPREME COURT REVIEW SIMPLY RESULT IN SLOWER PROCESS OF JUSTICE, AND ALSO NOTED OUT VIEW THAT CURRENT GOE DRUG OFFENSE STATUTE IS RELATIVELY NEW AND PROBABLY DOES NOT NEED RADICAL REVISION.

2. AMBASSADOR HAS RECEIVED A RESPONSE FROM DURANGO, DATED JANUARY 4 THANKING HIM FOR HIS CONTRIBUTION. THE LETTER REITERATES DURANGO'S CONCERN OVER THE QUANTITY OF DRUG IN A SUSPECT'S POSSESSION WHICH WOULD PRODUCE PRESUMPTION OF TRAFFICKING. HE STATES THAT THE PROJECTED REFORMS HE SENT FORWARD TO THE GOE ESTABLISH MERE POSSESSION AS PRODUCING A PRESUMPTION OF INTENT TO COMMIT CRIME (PRESUMABLY TRAFFICKING), WHICH CAN THEN BE DISPROVED DURING THE
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JUDICIAL PROCESS. HE ALSO REITERATED HIS VIEW THAT THE SUPREME COURT SHOULD REVIEW ALL LOWER COURT JUDGMENTS IN NARCOTICS CASES, REFERRING OBLIQUELY TO THE PROBLEM OF CORRUPTION AT LOWER COURT LEVELS. ("IT IS WELL KNOWN THAT LAWS MUST BE APPLIED CONSISTENT WITH THE CULTURAL STATE OF A NATION".)

3. COMMENT: OBVIOUSLY OUR CONTRIBUTION DID NOT SERVE
TO SWAY DURANGO'S MIND. ON THE OTHER HAND, THE GOE
RECENTLY REORGANIZED THE JUDICIARY AND SHUFFLED THE
SUPREME COURT. DURANGO IS NO LONGER ON THE COURT AND IT
IS POSSIBLE THAT HIS PROPOSED REFORMS WILL NOT MOVE FORWARD
WITHOUT RECONSIDERATION BY THE NEW CHIEF JUSTICE.
BLOOMFIELD

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
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